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Hon. Richard F. Boulware, II
United States District Judge
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: November 17, 2017 Summary Judgment Hearing (D.I. 67)

Dear Judge Boulware:

At the March 13, 2017 argument on Defendants' motion to dismiss, the Court set an expedited schedule to determine whether Plaintiffs' infringement claims—both literal and under the doctrine of equivalents ("DOE")—could survive summary judgment. (D.I. 50). Plaintiffs subsequently dropped their claims of literal infringement, and Defendants filed a motion for summary judgment on the remaining DOE claims as barred by prosecution history estoppel. (D.I. 67). Each side submitted expert declarations supporting the briefing. (D.I. 67(15); 69(2); 69(3)). The hearing is set for November 17, 2017. (D.I. 72).

At the March 13 argument, the Court contemplated the possibility of having experts available to answer questions at the summary judgment hearing. (D.I. 50 at 22-24). We have conferred with Plaintiffs' counsel about whether live witnesses are necessary with literal infringement out of the case. The parties agree that the opinions of the experts are set fully forth in the parties' papers and that live expert testimony is not necessary at the hearing. Of course, if the Court wishes experts to be present at the hearing, we will arrange for that. Since advance planning is necessary to arrange for the witnesses to be present, however, we write to advise the Court that, unless the Court advises otherwise, the parties do not plan to produce their experts at the November 17 hearing.

Very truly yours,

/s/ Eugene M. Gelernter

Eugene M. Gelernter

cc: Counsel for Plaintiffs Pharma Tech Solutions, Inc. and Decision IT Corp. (by email)